

# **EXHIBIT F**

**TO THE DECLARATION OF  
MICHAEL S. KUN**

AUG 04 2015

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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 DANIEL SILVA; individually, and on  
14 behalf of other members of the general  
public similarly situated,

15 Plaintiff,

16 vs.

17 AVALONBAY COMMUNITIES, INC.,  
18 an unknown business entity; and DOES  
1 through 100, inclusive,

19 Defendants.  
20  
21  
22  
23

Case No.: 2:15-cv-04157 JAK(PLAx)

Honorable John A. Kronstadt

**PLAINTIFF'S RESPONSES TO  
DEFENDANT AVALONBAY  
COMMUNITIES, INC.'S FIRST  
SET OF INTERROGATORIES TO  
PLAINTIFF DANIEL SILVA**

Complaint Filed: April 28, 2015

24 **PROPOUNDING PARTY: Defendant AvalonBay Communities, Inc.**

25 **RESPONDING PARTY: Plaintiff Daniel Silva**

26 **SET NO.: One**  
27  
28

1 Plaintiff Daniel Silva ("Plaintiff") hereby provides supplemental responses to  
2 Defendant AvalonBay Communities, Inc.'s ("Defendant") first set of  
3 Interrogatories to Plaintiff.

4 **PRELIMINARY STATEMENT**

5 The following objections and responses to Defendant's Interrogatories are  
6 made on the basis of information that is precisely known and available to Plaintiff,  
7 and may include documents containing hearsay information and other information  
8 inadmissible at trial although it may be discoverable. Plaintiff's discovery,  
9 investigation and preparation for trial are not yet complete and are continuing as  
10 of the date of these objections and responses. Plaintiff expressly reserves the right  
11 to continue his discovery and investigation and to supplement or modify these  
12 responses at any time in light of subsequently discovered information or  
13 documents. Accordingly, the objections and responses set forth below represent  
14 only documents currently known following a reasonable investigation in  
15 responding to these Requests. Plaintiff specifically reserves the right to use at  
16 trial, and in connection with any motion, additional documents that may be  
17 discovered or disclosed through continuing investigation and discovery.

18 The following objections and responses are made without waiving and  
19 while preserving: (a) the right to raise in any subsequent proceeding or at trial of  
20 this or any other action all questions of authenticity, foundation, relevancy,  
21 materiality, privilege, and evidentiary admissibility of any information or  
22 document identified or produced in response to the instant Requests; (b) the right  
23 to object on any ground to the use or introduction into evidence of any  
24 information or document in any subsequent proceeding or at trial of this or any  
25 other action on any ground; and (c) the right to object on any ground at any time  
26 to additional discovery.

27 **GENERAL OBJECTIONS**

28 The following General Objections are made with respect to each and every

1 Interrogatory, and are incorporated into each Specific Objection set forth below,  
2 regardless of whether they are explicitly mentioned in a given Specific Objection.  
3 Notwithstanding these General Objections, without waiving them and consistent  
4 with them, Plaintiff will respond to Defendant's Interrogatories, to the extent not  
5 objected to, in accordance with the Federal Rules of Civil Procedure.

6 1. Plaintiff objects to each and every Interrogatory to the extent it  
7 purports to call for the production of information protected by the attorney-client  
8 privilege, the work-product doctrine, or any other applicable privilege, protection  
9 or immunity from discovery recognized in case law or conferred by statute.

10 2. Plaintiff objects to each and every Interrogatory to the extent that it is  
11 replete with terms and/or phrases that are undefined and are, therefore, vague,  
12 ambiguous, and capable of various interpretations.

13 3. Plaintiff objects to each and every Interrogatory to the extent that said  
14 Interrogatories seek information and/or documents outside Plaintiff's possession,  
15 custody, or control.

16 4. Plaintiff objects to each and every Interrogatory to the extent that said  
17 Interrogatories seek the production of sensitive and confidential information, the  
18 production of which would infringe upon the legitimate, reasonable privacy  
19 interests of third party non-litigants to an extent incommensurate with the  
20 Defendant's legitimate discovery needs.

21 5. Plaintiff also objects to each and every Interrogatory to the extent that  
22 it purports to require the disclosure of information for a time period in excess of  
23 the proposed Class Period.

24 6. Plaintiff objects to each and every Interrogatory to the extent it is not  
25 full and complete within itself.

26 7. Plaintiff has not completed his factual and legal investigation,  
27 discovery, or trial preparation. Accordingly, the answers and objections set forth  
28 below relate only to information currently known following a reasonable search in

1 responding to these Interrogatories. Subject to the above general objections,  
2 which are hereby incorporated in the specific responses to each and every  
3 Interrogatory, Plaintiff submits the following specific responses and objections.

4 **RESPONSES TO INTERROGATORIES**

5 **INTERROGATORY NO. 1**

6 DESCRIBE IN DETAIL the factual basis for each claim or cause of action  
7 that YOU are bringing against DEFENDANT in this action.

8 **RESPONSE TO INTERROGATORY NO. 1**

9 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
10 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
11 “YOU” and “DESCRIBE IN DETAIL” as defined by Defendant are vague,  
12 ambiguous, and overbroad. Plaintiff further objects to this interrogatory on the  
13 grounds that it is unduly burdensome and oppressive. Plaintiff further objects to  
14 this interrogatory to the extent it calls for information in violation of the attorney  
15 work-product doctrine and/or attorney-client privilege. Plaintiff further objects  
16 that this interrogatory calls for a legal conclusion or specialized legal knowledge.  
17 Plaintiff objects to this interrogatory on the grounds that it is compound and as a  
18 result, causes the number of interrogatories propounded by Defendant to exceed  
19 the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

20 Subject to and without waiving the foregoing objections, and subject to  
21 Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

22 Defendant hired Plaintiff and the other putative class members and classified  
23 them as hourly-paid or non-exempt. Defendant engaged in a pattern and practice of  
24 wage abuse against Plaintiff and the putative class members. Defendant failed to  
25 compensate them for all hours worked. Defendant did not pay Plaintiff and the  
26 putative class members at least minimum wages for all hours worked. Defendant  
27 failed to pay overtime wages for all overtime hours worked. Defendant also failed  
28 to provide Plaintiff and the other class members with all of the required rest and

1 meal periods required under the Industrial Welfare Commission Wage Orders.  
2 Defendant failed to make a payment of one additional hour of pay at Plaintiff's and  
3 the other class member's regular rate of pay on all occasions when a California  
4 Labor Code compliant meal or rest period was not provided. Plaintiff and other  
5 class members did not receive payment of all wages, including overtime and  
6 minimum wages and meal and rest period premiums, within any time permissible  
7 under California Labor Code section 204. Defendant failed to provide Plaintiff and  
8 other putative class members with complete and accurate wage statements in  
9 accordance with California law. The wage statements did not always include the  
10 accurate total number of hours worked by Plaintiff and other putative class  
11 members. Defendant failed to keep complete and accurate payroll records for  
12 Plaintiff and the other class members in accordance with California law.  
13 Defendant's payroll records did not always include the accurate total number of  
14 hours worked by Plaintiff and other putative class members. Defendant failed to  
15 reimburse Plaintiff and other putative class members for all necessary business  
16 related expenses, including the use of personal phones. Defendant failed to pay  
17 Plaintiff and other putative class members their final wages within the time allotted  
18 by California Labor Code sections 201 and 202.

19 Defendant's conduct violates California Business & Professions Code  
20 section 17200, et seq. Defendant's policies and practices of requiring Plaintiff and  
21 other class members to work overtime without paying them proper compensation  
22 violate California Labor Code sections 510 and 1198. Additionally, Defendant's  
23 policies and practices of requiring Plaintiff and other class members to work  
24 through their meal and rest periods without paying them proper compensation  
25 violate California Labor Code sections 226.7 and 512(a). Defendant's policies and  
26 practices of failing to pay minimum wages violate California Labor Code sections  
27 1194, 1197, and 1197.1. Moreover, Defendant's policies and practices of failing to  
28 timely pay wages to Plaintiff and other class members violate California Labor



1 Code sections 201, 202, and 204. Defendants also violated California Labor Code  
2 sections 226(a) and 1174(d) by failing to accurately record the accurate total  
3 number of hours worked by Plaintiff and the other putative class members.

4 Discovery and investigation are continuing. Plaintiff expressly reserves the  
5 right to rely upon any information and witnesses of which/whom he may become  
6 aware and to utilize it/them at trial, even if not previously identified or produced in  
7 this or any of the above or subsequent discovery responses.

8 **INTERROGATORY NO. 2**

9 IDENTIFY each date on which YOU contend YOU were not paid in  
10 compliance with the law for all work performed for DEFENDANT and  
11 DESCRIBE IN DETAIL the activities in which YOU engaged on each such date,  
12 including the time spent in each activity and the time for which YOU contend  
13 YOU are entitled to be paid.

14 **RESPONSE TO INTERROGATORY NO. 2**

15 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
16 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
17 "IDENTIFY," "YOU," and "DESCRIBE IN DETAIL" as defined by Defendant  
18 are vague, ambiguous, and overbroad. Plaintiff further objects to this interrogatory  
19 on the grounds that it is unduly burdensome and oppressive. Plaintiff further  
20 objects to this interrogatory to the extent it calls for information in violation of the  
21 attorney work-product doctrine and/or attorney-client privilege. Plaintiff further  
22 objects that this interrogatory calls for a legal conclusion or specialized legal  
23 knowledge. Plaintiff objects to this interrogatory on the grounds that it is  
24 compound and as a result, causes the number of interrogatories propounded by  
25 Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil  
26 Procedure. Plaintiff objects to this interrogatory on the ground that it calls for  
27 premature expert discovery.

28 Subject to and without waiving the foregoing objections, and subject to

1 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

2 Plaintiff regularly worked time for which he was not compensated by  
3 Defendant. At this time, Plaintiff is unable to state the date and time of every  
4 single instance that he worked for which Defendant did not compensate him.  
5 Plaintiff performed work duties prior to clocking in for his scheduled shift, during  
6 his meal periods, during his rest periods, and after clocking out at the end of his  
7 scheduled shift. This work included picking up trash, looking for graffiti, putting  
8 out the leasing sign, opening up the leasing office at the beginning of the day,  
9 responding to phone calls and text messages from co-workers about work duties,  
10 putting files away, completing YARDI reports, posting 3 day notices, processing  
11 tenant applications including obtaining proof of income and rental verifications  
12 within 24 hours, turning off lights and air conditioning in the model units at the  
13 end of the day, locking up the model units at the end of the day, locking up the  
14 leasing office at the end of the day, responding to requests, inquiries, and/or  
15 complaints from tenants and prospective tenants and providing them with customer  
16 service such as helping them when they were locked out of their apartment, and  
17 responding to inquiries and/or requests from co-workers.

18 Discovery and investigation are continuing. Plaintiff expressly reserves the  
19 right to rely upon any information and witnesses of which/whom he may become  
20 aware and to utilize it/them at trial, even if not previously identified or produced in  
21 this or any of the above or subsequent discovery responses.

22 **INTERROGATORY NO. 3**

23 IDENTIFY each date on which YOU contend any PERSON YOU seek to  
24 represent in this lawsuit was not paid in compliance with the law for all work  
25 performed for DEFENDANT and DESCRIBE IN DETAIL the activities in which  
26 he or he engaged on each such date, including the time spent on each activity and  
27 the time for which YOU contend he or he is entitled to be paid.

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**RESPONSE TO INTERROGATORY NO. 3**

Plaintiff objects on the grounds that this interrogatory is vague, ambiguous, and overbroad. More specifically, Plaintiff objects on the ground that the terms “IDENTIFY,” “YOU,” “PERSON,” and “DESCRIBE IN DETAIL” as defined by Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff further objects that information requested in this interrogatory is in Defendant’s own possession, custody, or control, and, as such, this interrogatory was propounded solely to harass Plaintiff. Plaintiff further objects to this interrogatory to the extent it calls for information in violation of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff further objects that this interrogatory calls for a legal conclusion or specialized legal knowledge. Plaintiff objects to this interrogatory on the grounds that it is compound and as a result, causes the number of interrogatories propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects to this interrogatory on the ground that it calls for premature expert discovery.

Subject to and without waiving the foregoing objections, and subject to Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

Defendant is in the exclusive possession of data, documents, and other information which must be used in order to respond to this interrogatory, including the contact information of the putative class members, the time records of the putative class members, the dates of employment of the putative class members, and the payroll and wage statements of the putative class members. Because Defendant has not produced these documents and information to Plaintiff, Plaintiff lacks sufficient information at this time to respond to this impermissibly compound interrogatory.

Discovery and investigation are continuing. Plaintiff expressly reserves the right to rely upon any information and witnesses of which/whom he may become

1 aware and to utilize it/them at trial, even if not previously identified or produced in  
2 this or any of the above or subsequent discovery responses.

3 **INTERROGATORY NO. 4**

4 IDENTIFY each date on which YOU contend YOU did not receive a meal  
5 period in compliance with the law during YOUR employment with DEFENDANT  
6 and DESCRIBE IN DETAIL the circumstances under which you contend YOU did  
7 not receive that meal period.

8 **RESPONSE TO INTERROGATORY NO. 4**

9 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
10 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
11 "IDENTIFY," "YOU," "YOUR," and "DESCRIBE IN DETAIL" as defined by  
12 Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this  
13 interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff  
14 further objects to this interrogatory to the extent it calls for information in violation  
15 of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff  
16 further objects that this interrogatory calls for a legal conclusion or specialized  
17 legal knowledge. Plaintiff objects to this interrogatory on the grounds that it is  
18 compound and as a result, causes the number of interrogatories propounded by  
19 Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil  
20 Procedure. Plaintiff objects to this interrogatory on the ground that it calls for  
21 premature expert discovery.

22 Subject to and without waiving the foregoing objections, and subject to  
23 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

24 At this time, Plaintiff is unable to specify each date that he was not provided  
25 with a meal period. However, during his employment, Plaintiff was not provided  
26 with all of the meal periods to which he was entitled under California law.  
27 Defendant required that Plaintiff work through meal breaks, take late meal breaks,  
28 and take interrupted and shortened meal breaks. Defendant expected Plaintiff to do

1 whatever was necessary to complete his work duties in a timely manner, and as a  
2 result, Plaintiff's meal breaks were missed, interrupted, shortened, and/or taken  
3 late. For example, Plaintiff's supervisor, A.J. Summa instructed Plaintiff to clock  
4 out for his lunch, but to finish what he was working on, and clock back in once the  
5 time for his lunch expired. Additionally, Plaintiff was required to have a walkie-  
6 talkie on him during his meal periods, and was contacted on his walkie-talkie about  
7 work duties during meal periods. Moreover, many tasks Plaintiff was required to  
8 complete were time-sensitive, such that he could not take a meal break before the  
9 end of his fifth hour of work. For example, if Plaintiff was assisting a prospective  
10 tenant, such as by giving him or her a tour, Plaintiff could not abandon the tenant  
11 in the middle of the tour to take his meal break.

12 Discovery and investigation are continuing. Plaintiff expressly reserves the  
13 right to rely upon any information and witnesses of which/whom he may become  
14 aware and to utilize it/them at trial, even if not previously identified or produced in  
15 this or any of the above or subsequent discovery responses.

16 **INTERROGATORY NO. 5**

17 IDENTIFY each date on which YOU contend any PERSON YOU seek to  
18 represent in this lawsuit did not receive a meal period in compliance with the law  
19 while employed by DEFENDANT and DESCRIBE IN DETAIL the circumstances  
20 under which YOU contend he or he did not receive that meal period.

21 **RESPONSE TO INTERROGATORY NO. 5**

22 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
23 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
24 "IDENTIFY," "YOU," "PERSON," and "DESCRIBE IN DETAIL" as defined by  
25 Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this  
26 interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff  
27 further objects that information requested in this interrogatory is in Defendant's  
28 own possession, custody, or control, and, as such, this interrogatory was

1 propounded solely to harass Plaintiff. Plaintiff further objects to this interrogatory  
2 to the extent it calls for information in violation of the attorney work-product  
3 doctrine and/or attorney-client privilege. Plaintiff further objects that this  
4 interrogatory calls for a legal conclusion or specialized legal knowledge. Plaintiff  
5 objects to this interrogatory on the grounds that it is compound and as a result,  
6 causes the number of interrogatories propounded by Defendant to exceed the 25  
7 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects  
8 to this interrogatory on the ground that it calls for premature expert discovery.

9 Subject to and without waiving the foregoing objections, and subject to  
10 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

11 Defendant is in the exclusive possession of data, documents, and other  
12 information which must be used in order to respond to this interrogatory, including  
13 the contact information of the putative class members, the time records of the  
14 putative class members, the dates of employment of the putative class members,  
15 and the payroll and wage statements of the putative class members. Because  
16 Defendant has not produced these documents and information to Plaintiff, Plaintiff  
17 lacks sufficient information at this time to respond to this impermissibly compound  
18 interrogatory.

19 Discovery and investigation are continuing. Plaintiff expressly reserves the  
20 right to rely upon any information and witnesses of which/whom he may become  
21 aware and to utilize it/them at trial, even if not previously identified or produced in  
22 this or any of the above or subsequent discovery responses.

23 **INTERROGATORY NO. 6**

24 IDENTIFY each date on which YOU contend YOU did not receive a rest  
25 period in compliance with the law during YOUR employment with DEFENDANT  
26 and DESCRIBE IN DETAIL the circumstances under which you contend YOU did  
27 not receive that rest period.

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**RESPONSE TO INTERROGATORY NO. 6**

Plaintiff objects on the grounds that this interrogatory is vague, ambiguous, and overbroad. More specifically, Plaintiff objects on the ground that the terms “IDENTIFY,” “YOU,” “YOUR,” and “DESCRIBE IN DETAIL” as defined by Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff further objects to this interrogatory to the extent it calls for information in violation of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff further objects that this interrogatory calls for a legal conclusion or specialized legal knowledge. Plaintiff objects to this interrogatory on the grounds that it is compound and as a result, causes the number of interrogatories propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects to this interrogatory on the ground that it calls for premature expert discovery.

Subject to and without waiving the foregoing objections, and subject to Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

At this time, Plaintiff is unable to specify each date that he was not provided with a rest period. However, during his employment, Plaintiff was not provided with all of the rest periods to which he was entitled under California law. Defendant required that Plaintiff work through rest breaks and take interrupted and shortened rest breaks. Defendant expected Plaintiff to do whatever was necessary to complete his work duties in a timely manner, and as a result, Plaintiff’s rest breaks were missed, interrupted, and/or shortened. Plaintiff has not been compensated for all rest breaks that he was required to work through, that were interrupted, and/or that were shortened.

Discovery and investigation are continuing. Plaintiff expressly reserves the right to rely upon any information and witnesses of which/whom he may become



1 aware and to utilize it/them at trial, even if not previously identified or produced in  
2 this or any of the above or subsequent discovery responses.

3 **INTERROGATORY NO. 7**

4 IDENTIFY each date on which YOU contend any PERSON YOU seek to  
5 represent in this lawsuit did not receive a rest period in compliance with the law  
6 while employed by DEFENDANT and DESCRIBE IN DETAIL the circumstances  
7 under which YOU contend he or he did not receive that rest period.

8 **RESPONSE TO INTERROGATORY NO. 7**

9 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
10 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
11 "IDENTIFY," "YOU," "PERSON," and "DESCRIBE IN DETAIL" as defined by  
12 Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this  
13 interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff  
14 further objects that information requested in this interrogatory is in Defendant's  
15 own possession, custody, or control, and, as such, this interrogatory was  
16 propounded solely to harass Plaintiff. Plaintiff further objects to this interrogatory  
17 to the extent it calls for information in violation of the attorney work-product  
18 doctrine and/or attorney-client privilege. Plaintiff further objects that this  
19 interrogatory calls for a legal conclusion or specialized legal knowledge. Plaintiff  
20 objects to this interrogatory on the grounds that it is compound and as a result,  
21 causes the number of interrogatories propounded by Defendant to exceed the 25  
22 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects  
23 to this interrogatory on the ground that it calls for premature expert discovery.

24 Subject to and without waiving the foregoing objections, and subject to  
25 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

26 Defendant is in the exclusive possession of data, documents, and other  
27 information which must be used in order to respond to this interrogatory, including  
28 the contact information of the putative class members, the time records of the

1 putative class members, the dates of employment of the putative class members,  
2 and the payroll and wage statements of the putative class members. Because  
3 Defendant has not produced these documents and information to Plaintiff, Plaintiff  
4 lacks sufficient information at this time to respond to this impermissibly compound  
5 interrogatory.

6 Discovery and investigation are continuing. Plaintiff expressly reserves the  
7 right to rely upon any information and witnesses of which/whom he may become  
8 aware and to utilize it/them at trial, even if not previously identified or produced in  
9 this or any of the above or subsequent discovery responses.

10 **INTERROGATORY NO. 8**

11 IDENTIFY each item for which YOU contend DEFENDANT did not  
12 reimburse YOU and DESCRIBE IN DETAIL the date on which YOU incurred  
13 that expense, the nature of the expense, whether YOU sought reimbursement for  
14 the expense, and DEFENDANT'S response to YOUR request.

15 **RESPONSE TO INTERROGATORY NO. 8**

16 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
17 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
18 "IDENTIFY," "YOU," "YOUR," and "DESCRIBE IN DETAIL" as defined by  
19 Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this  
20 interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff  
21 further objects to this interrogatory to the extent it calls for information in violation  
22 of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff  
23 objects to this interrogatory on the grounds that it is compound and as a result,  
24 causes the number of interrogatories propounded by Defendant to exceed the 25  
25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects  
26 to this interrogatory on the ground that it calls for premature expert discovery.

27 Subject to and without waiving the foregoing objections, and subject to  
28 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

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At this time, Plaintiff cannot identify the specific date he incurred each expense. Plaintiff can state, however, that he incurred necessary business-related expenses and costs that were not reimbursed by Defendant. Plaintiff was required to use his personal phone to perform job duties. Plaintiff used his personal phone to call and receive calls from other employees, including his supervisor, A.J. Summa, and to send and receive text messages and e-mails from them regarding work duties. Defendant did not reimburse Plaintiff for the cost of his phone, or the service charges associated with the use of his phone. Defendant also failed to reimburse Plaintiff for costs of gas and mileage incurred through the use of his personal vehicle to perform mandatory work duties. Plaintiff used his personal vehicle to drive to the bank to make deposits, to drive to the store to pick up supplies, to drive to the units on the properties to post 3 day notices, and to drive to the corporate office in Newport Beach to attend training and quarterly meetings. In addition to failing to reimburse Plaintiff for all of his gas and mileage expenses, Defendant failed to reimburse Plaintiff for all of the costs he incurred paying tolls. Defendant never informed Plaintiff that the use of his personal phone was a reimbursable expense, even though Defendant knew that Plaintiff was using his personal phone to perform work duties. Likewise, Defendant never informed Plaintiff that the use of his personal vehicle to perform each of the above-listed tasks was a reimbursable expense, even though Defendant knew that Plaintiff was using his personal vehicle to perform work duties. Because Defendant's policy was not to reimburse Plaintiff and putative class members for these expenses, Plaintiff did not submit reimbursement requests for these expenses.

Discovery and investigation are continuing. Plaintiff expressly reserves the right to rely upon any information and witnesses of which/whom he may become aware and to utilize it/them at trial, even if not previously identified or produced in this or any of the above or subsequent discovery responses.

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**INTERROGATORY NO. 9**

IDENTIFY each item for which YOU contend DEFENDANT did not reimburse any PERSONS YOU seek to represent in this lawsuit and DESCRIBE IN DETAIL the date on which he or he incurred that expense, the nature of the expense, whether he or she sought a reimbursement for the expense, and DEFENDANT'S response to his or her request.

**RESPONSE TO INTERROGATORY NO. 9**

Plaintiff objects on the grounds that this interrogatory is vague, ambiguous, and overbroad. More specifically, Plaintiff objects on the ground that the terms "IDENTIFY," "YOU," "PERSONS," and "DESCRIBE IN DETAIL" as defined by Defendant are vague, ambiguous, and overbroad. Plaintiff further objects to this interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff further objects that information requested in this interrogatory is in Defendant's own possession, custody, or control, and, as such, this interrogatory was propounded solely to harass Plaintiff. Plaintiff further objects to this interrogatory to the extent it calls for information in violation of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff objects to this interrogatory on the grounds that it is compound and as a result, causes the number of interrogatories propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure. Plaintiff objects to this interrogatory on the ground that it calls for premature expert discovery.

Subject to and without waiving the foregoing objections, and subject to Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

Defendant is in the exclusive possession of data, documents, and other information which must be used in order to respond to this interrogatory, including the contact information of the putative class members, the dates of employment of the putative class members, reimbursement documents, and the payroll and wage statements of the putative class members. Because Defendant has not produced

1 these documents and information to Plaintiff, Plaintiff lacks sufficient information  
2 at this time to respond to this impermissibly compound interrogatory.

3 Discovery and investigation are continuing. Plaintiff expressly reserves the  
4 right to rely upon any information and witnesses of which/whom he may become  
5 aware and to utilize it/them at trial, even if not previously identified or produced in  
6 this or any of the above or subsequent discovery responses.

7 **INTERROGATORY NO. 10**

8 IDENTIFY each PERSON for whom YOU have performed services since  
9 January 2010, including DEFENDANT, and describe YOUR employment with  
10 each such PERSON, including, but not limited to, the position(s) held, the dates  
11 each position was held, job duties, responsibilities in each position, and the  
12 compensation (including salary, tips, bonuses and fringe benefits) received by  
13 YOU, including the date and amount of any raises.

14 **RESPONSE TO INTERROGATORY NO. 10**

15 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
16 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
17 “services” and “fringe benefits” are vague, ambiguous, and overbroad, as are the  
18 terms “IDENTIFY,” “YOU,” “YOUR,” and “PERSON” as defined by Defendant.  
19 Plaintiff further objects to this interrogatory on the grounds that it is unduly  
20 burdensome and oppressive. Plaintiff further objects to this interrogatory to the  
21 extent it calls for information in violation of the attorney work-product doctrine  
22 and/or attorney-client privilege. Plaintiff objects to this interrogatory on the  
23 ground that it infringes upon Plaintiff’s privacy rights. Plaintiff objects on the  
24 ground that this interrogatory is not relevant and not reasonably calculated to lead  
25 to the discovery of admissible evidence. Plaintiff further objects that information  
26 requested in this interrogatory is in Defendant’s own possession, custody, or  
27 control, and, as such, this interrogatory was propounded solely to harass Plaintiff.  
28 Plaintiff objects to this interrogatory on the grounds that it is compound and as a



1 result, causes the number of interrogatories propounded by Defendant to exceed  
2 the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

3 Subject to and without waiving the foregoing objections, and subject to  
4 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

5 Plaintiff was employed by Defendant from approximately October 2011 to  
6 approximately April 2013 as a Community Consultant. Plaintiff's job duties  
7 included customer service; responding to inquiries, requests, and complaints from  
8 tenants and prospective tenants; processing service requests; leasing apartments;  
9 picking up trash; looking for graffiti; putting out the leasing sign; opening and  
10 closing the leasing office; closing the model units at the end of the day and turning  
11 off their lights and air conditioning; providing tours of the property to potential  
12 residents; making bank deposits; entering data into YARDI; monitoring the cars in  
13 the parking lot; accepting and processing tenant applications including obtaining  
14 proof of income and rental verifications within 24 hours; accepting security  
15 deposits from tenants; processing credit checks; posting 3 day notices; accepting  
16 notices to vacate; filling out guest cards; responding to inquiries and requests from  
17 co-workers; and answering phone calls from tenants and prospective tenants. To  
18 ascertain the compensation Plaintiff received while employed by Defendant,  
19 pursuant to Federal Rule of Civil Procedure 33(d), Plaintiff refers Defendant to the  
20 documents Defendant produced to Plaintiff Bates numbered AV-SIL-0000243-  
21 267, AV-SIL-0000283-284, AV-SIL-0000293-296, AV-SIL-0000303-313, AV-  
22 SIL-0000335-339, AV-SIL-0000362-402, and AV-SIL-0000473-476 as well as to  
23 the pay stubs, 1099-R forms, and W-2 Wage and Tax Statements produced by  
24 Plaintiff in Exhibit A to Plaintiff's Responses to Defendant's First Set of Requests  
25 for Production to Plaintiff.

26 Discovery and investigation are continuing. Plaintiff expressly reserves the  
27 right to rely upon any information and witnesses of which/whom he may become  
28 aware and to utilize it/them at trial, even if not previously identified or produced in

1 this or any of the above or subsequent discovery responses.

2 **INTERROGATORY NO. 11**

3 DESCRIBE IN DETAIL all efforts YOU have made to obtain employment  
4 since January 2010, including, but not limited to, the identity of any employer,  
5 employment agency or other PERSON that YOU contacted or that contacted YOU  
6 regarding potential employment, the nature and the date of each such contact, the  
7 nature of employment sought, the results of each such contact, and whether YOU  
8 were offered employment or were rejected.

9 **RESPONSE TO INTERROGATORY NO. 11**

10 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
11 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
12 “DESCRIBE IN DETAIL,” “YOU,” and “PERSON” as defined by Defendant are  
13 vague, ambiguous, and overbroad. Plaintiff further objects to this interrogatory on  
14 the grounds that it is unduly burdensome and oppressive. Plaintiff further objects  
15 to this interrogatory to the extent it calls for information in violation of the attorney  
16 work-product doctrine and/or attorney-client privilege. Plaintiff objects to this  
17 interrogatory on the ground that it infringes upon Plaintiff’s privacy rights.  
18 Plaintiff objects on the ground that this interrogatory is not relevant and not  
19 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
20 further objects that information requested in this interrogatory is in Defendant’s  
21 own possession, custody, or control, and, as such, this interrogatory was  
22 propounded solely to harass Plaintiff. Plaintiff objects to this interrogatory on the  
23 grounds that it is compound and as a result, causes the number of interrogatories  
24 propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal  
25 Rules of Civil Procedure.

26 Subject to and without waiving the foregoing objections, and subject to  
27 Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

28 ///

1 Plaintiff was employed by Defendant from approximately October 2011 to  
2 approximately April 2013 as a Community Consultant. Pursuant to Federal Rule  
3 of Civil Procedure 33(d), Plaintiff refers Defendant to the documents Defendant  
4 produced to Plaintiff Bates numbered AV-SIL-0000283-284 and AV-SIL-  
5 0000286-292.

6 Discovery and investigation are continuing. Plaintiff expressly reserves the  
7 right to rely upon any information and witnesses of which/whom he may become  
8 aware and to utilize it/them at trial, even if not previously identified or produced in  
9 this or any of the above or subsequent discovery responses.

10 **INTERROGATORY NO. 12**

11 DESCRIBE IN DETAIL each and every statement, whether or not written,  
12 made by any of DEFENDANT'S employees, officers or agents, or anyone else that  
13 YOU believe supports any of YOUR claims, including the date, time and place of  
14 the statement, the identity of the PERSON who made the statement, and the  
15 identity of any witnesses to the statement.

16 **RESPONSE TO INTERROGATORY NO. 12**

17 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
18 and overbroad. More specifically, Plaintiff objects on the ground that the term  
19 "statement" is vague, ambiguous, and overbroad, as are the terms "DESCRIBE IN  
20 DETAIL," "YOU," "YOUR," and "PERSON" as defined by Defendant. Plaintiff  
21 further objects to this interrogatory on the grounds that it is unduly burdensome  
22 and oppressive. Plaintiff objects on the ground that this interrogatory is not  
23 relevant and not reasonably calculated to lead to the discovery of admissible  
24 evidence. Plaintiff further objects to this interrogatory to the extent it calls for  
25 information in violation of the attorney work-product doctrine and/or attorney-  
26 client privilege. Plaintiff objects to this interrogatory on the grounds that it is  
27 compound and as a result, causes the number of interrogatories propounded by  
28 Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil

Procedure.

Subject to and without waiving the foregoing objections, and subject to Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

Plaintiff has not obtained statements regarding his claims, and as a result, does not have information responsive to this interrogatory.

Discovery and investigation are continuing. Plaintiff expressly reserves the right to rely upon any information and witnesses of which/whom he may become aware and to utilize it/them at trial, even if not previously identified or produced in this or any of the above or subsequent discovery responses.

**INTERROGATORY NO. 13**

DESCRIBE IN DETAIL each statement, written or otherwise, that YOU have obtained from anyone who was interviewed or questioned on YOUR behalf in connection with this litigation.

**RESPONSE TO INTERROGATORY NO. 13**

Plaintiff objects on the grounds that this interrogatory is vague, ambiguous, and overbroad. More specifically, Plaintiff objects on the ground that the term "statement" is vague, ambiguous, and overbroad, as are the terms "DESCRIBE IN DETAIL," "YOU," and "YOUR" as defined by Defendant. Plaintiff further objects to this interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff objects on the ground that this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory to the extent it calls for information in violation of the attorney work-product doctrine and/or attorney-client privilege. Plaintiff objects to this interrogatory on the grounds that it is compound and as a result, causes the number of interrogatories propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections, and subject to Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

1 Plaintiff has not obtained statements regarding his claims, and as a result,  
2 does not have information responsive to this interrogatory.

3 Discovery and investigation are continuing. Plaintiff expressly reserves the  
4 right to rely upon any information and witnesses of which/whom he may become  
5 aware and to utilize it/them at trial, even if not previously identified or produced in  
6 this or any of the above or subsequent discovery responses.

7 **INTERROGATORY NO. 14**

8 DESCRIBE IN DETAIL the substance, nature and date of each  
9 communication YOU had with any PERSON concerning the facts, issues or other  
10 matters involved in this case, other than with YOUR attorneys.

11 **RESPONSE TO INTERROGATORY NO. 14**

12 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
13 and overbroad. More specifically, Plaintiff objects on the ground that the term  
14 “statement” is vague, ambiguous, and overbroad, as are the terms “DESCRIBE IN  
15 DETAIL,” “YOU,” “YOUR,” and “PERSON” as defined by Defendant. Plaintiff  
16 further objects to this interrogatory on the grounds that it is unduly burdensome  
17 and oppressive. Plaintiff further objects to this interrogatory to the extent it calls  
18 for information in violation of the attorney work-product doctrine and/or attorney-  
19 client privilege. Plaintiff objects to this interrogatory on the grounds that it is  
20 compound and as a result, causes the number of interrogatories propounded by  
21 Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil  
22 Procedure.

23 Subject to and without waiving the foregoing objections, and subject to  
24 Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

25 Plaintiff has not communicated with any persons other than his attorneys  
26 regarding this case, and as a result, does not have information responsive to this  
27 interrogatory.

28 Discovery and investigation are continuing. Plaintiff expressly reserves the



1 right to rely upon any information and witnesses of which/whom he may become  
2 aware and to utilize it/them at trial, even if not previously identified or produced in  
3 this or any of the above or subsequent discovery responses.

4 **INTERROGATORY NO. 15**

5 DESCRIBE IN DETAIL the nature and extent of the relevant knowledge  
6 possessed by each PERSON having personal knowledge of any facts or matters  
7 that supports YOUR contention that any actions taken by DEFENDANT were  
8 improper or unlawful for any of the reasons claimed in the COMPLAINT.

9 **RESPONSE TO INTERROGATORY NO. 15**

10 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
11 overbroad, and unintelligible. More specifically, Plaintiff objects on the ground  
12 that the terms “relevant knowledge” and personal knowledge are vague,  
13 ambiguous, and overbroad, as are the terms “DESCRIBE IN DETAIL,” “YOUR”  
14 and “PERSON” as defined by Defendant. Plaintiff further objects to this  
15 interrogatory on the grounds that it is unduly burdensome and oppressive. Plaintiff  
16 objects on the ground that this interrogatory is not relevant and not reasonably  
17 calculated to lead to the discovery of admissible evidence. Plaintiff objects to this  
18 interrogatory on the ground that it calls for Plaintiff to speculate regarding the  
19 personal knowledge of others. Plaintiff further objects to this interrogatory to the  
20 extent it calls for information in violation of the attorney work-product doctrine  
21 and/or attorney-client privilege. Plaintiff objects to this interrogatory on the  
22 grounds that it is compound and as a result, causes the number of interrogatories  
23 propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal  
24 Rules of Civil Procedure.

25 Subject to and without waiving the foregoing objections, and subject to  
26 Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

27 Plaintiff is unable to identify all individuals with personal knowledge  
28 regarding Defendant’s unlawful conduct, nor is Plaintiff able to identify the nature

1 and extent of such personal knowledge because doing so would require Plaintiff to  
2 speculate. However, Plaintiff identifies the following as persons and entities that  
3 may possess knowledge regarding Defendant's unlawful conduct: AvalonBay  
4 Communities, Inc.; AvalonBay Communities, Inc.'s current and former employees,  
5 agents, officers, directors and shareholders; Plaintiff; Plaintiff's supervisors and  
6 co-workers; Richard M. Carranza; Humberto Garcia; Juan Amezcuita; Michelle  
7 Carr; Michael Gautschi; Norma Renteria; Brian Hults; Katherine Graumann; A.J.  
8 Summa; Veronica Robertazzi; and members of the putative class as defined in the  
9 operative Complaint.

10 Discovery and investigation are continuing. Plaintiff expressly reserves the  
11 right to rely upon any information and witnesses of which/whom he may become  
12 aware and to utilize it/them at trial, even if not previously identified or produced in  
13 this or any of the above or subsequent discovery responses.

14 **INTERROGATORY NO. 16**

15 DESCRIBE IN DETAIL each legal proceeding in which YOU have ever  
16 been involved as a party or witness, including, but not limited to, YOUR  
17 involvement and the outcome.

18 **RESPONSE TO INTERROGATORY NO. 16**

19 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
20 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
21 "legal proceeding," "involvement," and "outcome," are vague, ambiguous, and  
22 overbroad, as are the terms "DESCRIBE IN DETAIL," "YOU," and "YOUR," as  
23 defined by Defendant. Plaintiff further objects to this interrogatory on the grounds  
24 that it is unduly burdensome and oppressive. Plaintiff further objects to this  
25 interrogatory to the extent it calls for information in violation of the attorney work-  
26 product doctrine and/or attorney-client privilege. Plaintiff objects to this  
27 interrogatory on the ground that it infringes upon Plaintiff's privacy rights.  
28 Plaintiff objects on the ground that this interrogatory is not relevant and not

1 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
2 objects to this interrogatory on the grounds that it is compound and as a result,  
3 causes the number of interrogatories propounded by Defendant to exceed the 25  
4 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

5 Discovery and investigation are continuing. Plaintiff expressly reserves the  
6 right to rely upon any information and witnesses of which/whom he may become  
7 aware and to utilize it/them at trial, even if not previously identified or produced in  
8 this or any of the above or subsequent discovery responses.

9 **INTERROGATORY NO. 17**

10 DESCRIBE IN DETAIL any criminal charges that have ever been brought  
11 against YOU, regardless of whether YOU were convicted, including, but not  
12 limited to, the date of the criminal charge, the nature of the charges brought against  
13 YOU, the case number, the court in which YOUR case was heard, whether the case  
14 went to trial, when and where the case was tried, whether YOU were convicted and  
15 the length and place of any incarceration.

16 **RESPONSE TO INTERROGATORY NO. 17**

17 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
18 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
19 “criminal charges” and “criminal charge” are vague, ambiguous, and overbroad, as  
20 are the terms “DESCRIBE IN DETAIL,” “YOU,” and “YOUR” as defined by  
21 Defendant. Plaintiff further objects to this interrogatory on the grounds that it is  
22 unduly burdensome and oppressive. Plaintiff further objects to this interrogatory  
23 to the extent it calls for information in violation of the attorney work-product  
24 doctrine and/or attorney-client privilege. Plaintiff objects to this interrogatory on  
25 the ground that it infringes upon Plaintiff’s privacy rights. Plaintiff objects on the  
26 ground that this interrogatory is not relevant and not reasonably calculated to lead  
27 to the discovery of admissible evidence. Plaintiff further objects on the ground  
28 that this interrogatory is designed to harass, intimidate, and embarrass Plaintiff.

1 Plaintiff objects to this interrogatory on the grounds that it is compound and as a  
2 result, causes the number of interrogatories propounded by Defendant to exceed  
3 the 25 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

4 Discovery and investigation are continuing. Plaintiff expressly reserves the  
5 right to rely upon any information and witnesses of which/whom he may become  
6 aware and to utilize it/them at trial, even if not previously identified or produced in  
7 this or any of the above or subsequent discovery responses.

8 **INTERROGATORY NO. 18**

9 DESCRIBE IN DETAIL each charge or complaint that YOU have ever filed  
10 with any government agency, including the nature of YOUR charge or complaint  
11 and the outcome.

12 **RESPONSE TO INTERROGATORY NO. 18**

13 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
14 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
15 “charge,” “complaint,” and “government agency” are vague, ambiguous, and  
16 overbroad, as are the terms “DESCRIBE IN DETAIL,” “YOU,” and “YOUR” as  
17 defined by Defendant. Plaintiff further objects to this interrogatory on the grounds  
18 that it is unduly burdensome and oppressive. Plaintiff further objects to this  
19 interrogatory to the extent it calls for information in violation of the attorney work-  
20 product doctrine and/or attorney-client privilege. Plaintiff objects to this  
21 interrogatory on the ground that it infringes upon Plaintiff’s privacy rights.  
22 Plaintiff objects on the ground that this interrogatory is not relevant and not  
23 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
24 objects to this interrogatory on the grounds that it is compound and as a result,  
25 causes the number of interrogatories propounded by Defendant to exceed the 25  
26 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

27 Subject to and without waiving the foregoing objections, and subject to  
28 Plaintiff’s understanding of this interrogatory, Plaintiff responds as follows:

1 Plaintiff does not have information responsive to this interrogatory because  
2 Plaintiff has not filed charges or complaints with a government agency related to  
3 Defendant.

4 Discovery and investigation are continuing. Plaintiff expressly reserves the  
5 right to rely upon any information and witnesses of which/whom he may become  
6 aware and to utilize it/them at trial, even if not previously identified or produced in  
7 this or any of the above or subsequent discovery responses.

8 **INTERROGATORY NO. 19**

9 State and itemize the precise amount of damages YOU claim that YOU and  
10 any PERSON YOU seek to represent suffered as a result of DEFENDANT'S  
11 alleged unlawful conduct, and DESCRIBE IN DETAIL the factual basis and  
12 method of computation used to determine that amount.

13 **RESPONSE TO INTERROGATORY NO. 19**

14 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
15 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
16 "PERSON," "YOU," and "YOUR" are vague, ambiguous, and overbroad as  
17 defined by Defendant. Plaintiff further objects to this interrogatory on the grounds  
18 that it is unduly burdensome and oppressive. Plaintiff further objects to this  
19 interrogatory to the extent it calls for information in violation of the attorney work-  
20 product doctrine and/or attorney-client privilege. Plaintiff objects to this  
21 interrogatory on the ground that it calls for premature expert discovery. Plaintiff  
22 objects to this interrogatory on the grounds that it is compound and as a result,  
23 causes the number of interrogatories propounded by Defendant to exceed the 25  
24 permitted by Rule 33(a) of the Federal Rules of Civil Procedure.

25 Subject to and without waiving the foregoing objections, and subject to  
26 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:  
27 Plaintiff has not yet made a calculation of the amount of damages that he and the  
28 putative class members are entitled to. Defendant is in the exclusive possession of



1 data, documents, and other information which must be used in order to respond to  
2 this interrogatory, including the contact information of the putative class members,  
3 the time records of the putative class members, the dates of employment of the  
4 putative class members, and the payroll and wage statements of the putative class  
5 members. Because Defendant has not produced these documents and information  
6 to Plaintiff, Plaintiff lacks sufficient information at this time to respond to this  
7 impermissibly compound interrogatory.

8 Discovery and investigation are continuing. Plaintiff expressly reserves the  
9 right to rely upon any information and witnesses of which/whom he may become  
10 aware and to utilize it/them at trial, even if not previously identified or produced in  
11 this or any of the above or subsequent discovery responses.

12 **INTERROGATORY NO. 20**

13 IDENTIFY every residence YOU have had since January 1, 2010, and  
14 DESCRIBE IN DETAIL YOUR reasons for each relocation.

15 **RESPONSE TO INTERROGATORY NO. 20**

16 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
17 and overbroad. More specifically, Plaintiff objects on the ground that the term  
18 “residence” is vague, ambiguous, and overbroad, as are the terms “IDENTIFY,”  
19 “DESCRIBE IN DETAIL,” “YOU,” and “YOUR” as defined by Defendant.  
20 Plaintiff further objects to this interrogatory on the grounds that it is unduly  
21 burdensome and oppressive. Plaintiff objects to this interrogatory on the ground  
22 that it infringes upon Plaintiff’s privacy rights. Plaintiff objects on the ground that  
23 this interrogatory is not relevant and not reasonably calculated to lead to the  
24 discovery of admissible evidence. Plaintiff objects to this interrogatory on the  
25 grounds that it is compound and as a result, causes the number of interrogatories  
26 propounded by Defendant to exceed the 25 permitted by Rule 33(a) of the Federal  
27 Rules of Civil Procedure. Plaintiff further objects that information requested in  
28 this interrogatory is in Defendant’s own possession, custody, or control.

1 Subject to and without waiving the foregoing objections, and subject to  
2 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

3 During the time period Plaintiff was employed with Defendant, Plaintiff  
4 resided at the following addresses:

5 10718 Valle Vista Road, Eucalyptus Hills, California 92040;

6 2456 Hilton Head Place, Apartment 1018, El Cajon, California 92019; and

7 7933A Hummingbird Lane, San Diego, California 92123.

8 Discovery and investigation are continuing. Plaintiff expressly reserves the  
9 right to rely upon any information and witnesses of which/whom he may become  
10 aware and to utilize it/them at trial, even if not previously identified or produced in  
11 this or any of the above or subsequent discovery responses.

12 **INTERROGATORY NO. 21**

13 IDENTIFY each PERSON whom YOU seek to represent in this action for  
14 whom YOU have facts to show that he or he was treated unlawfully by  
15 DEFENDANT, including the community or facility where he or he worked, and  
16 DESCRIBE IN DETAIL all facts to support YOUR contention that he or he was  
17 treated unlawfully.

18 **RESPONSE TO INTERROGATORY NO. 21**

19 Plaintiff objects on the grounds that this interrogatory is vague, ambiguous,  
20 and overbroad. More specifically, Plaintiff objects on the ground that the terms  
21 "IDENTIFY," "PERSON," and "YOU" as defined by Defendant are vague,  
22 ambiguous, and overbroad. Plaintiff further objects to this interrogatory on the  
23 grounds that it is unduly burdensome and oppressive. Plaintiff further objects that  
24 information requested in this interrogatory is in Defendant's own possession,  
25 custody, or control, and, as such, this interrogatory was propounded solely to  
26 harass Plaintiff. Plaintiff objects to this interrogatory on the grounds that it is  
27 compound and as a result, causes the number of interrogatories propounded by  
28 Defendant to exceed the 25 permitted by Rule 33(a) of the Federal Rules of Civil

1 Procedure.

2 Subject to and without waiving the foregoing objections, and subject to  
3 Plaintiff's understanding of this interrogatory, Plaintiff responds as follows:

4 Plaintiff seeks to represent all current and former hourly-paid or non-exempt  
5 employees who worked for any of the Defendants within the State of California at  
6 any time during the period from April 28, 2011 to final judgment. Upon  
7 information and belief, Defendant is in possession of the identities of each of these  
8 individuals. Plaintiff has requested this information from Defendant, but, to date,  
9 Defendant has not produced this information to Plaintiff. Plaintiff does not know  
10 the community or facility where each of these putative class members worked, but  
11 believes that Defendant has this information in its possession, custody, or control.

12 Defendant hired Plaintiff and the other putative class members and classified  
13 them as hourly-paid or non-exempt. Defendant engaged in a pattern and practice of  
14 wage abuse against Plaintiff and the putative class members. Defendant failed to  
15 compensate them for all hours worked. Defendant did not pay Plaintiff and the  
16 putative class members at least minimum wages for all hours worked. Defendant  
17 failed to pay overtime wages for all overtime hours worked. Defendant also failed  
18 to provide Plaintiff and the other class members with all of the required rest and  
19 meal periods required under the Industrial Welfare Commission Wage Orders.  
20 Defendant failed to make a payment of one additional hour of pay at Plaintiff's and  
21 the other class member's regular rate of pay on all occasions when a California  
22 Labor Code compliant meal or rest period was not provided. Plaintiff and other  
23 class members did not receive payment of all wages, including overtime and  
24 minimum wages and meal and rest period premiums, within any time permissible  
25 under California Labor Code section 204. Defendant failed to provide Plaintiff and  
26 other putative class members with complete and accurate wage statements in  
27 accordance with California law. The wage statements did not always include the  
28 accurate total number of hours worked by Plaintiff and other putative class

1 members. Defendant failed to keep complete and accurate payroll records for  
2 Plaintiff and the other class members in accordance with California law.  
3 Defendant's payroll records did not always include the accurate total number of  
4 hours worked by Plaintiff and other putative class members. Defendant failed to  
5 reimburse Plaintiff and other putative class members for all necessary business  
6 related expenses, including the use of personal phones. Defendant failed to pay  
7 Plaintiff and other putative class members their final wages within the time allotted  
8 by California Labor Code sections 201 and 202.

9 Defendant's conduct violates California Business & Professions Code  
10 section 17200, et seq. Defendant's policies and practices of requiring Plaintiff and  
11 other class members to work overtime without paying them proper compensation  
12 violate California Labor Code sections 510 and 1198. Additionally, Defendant's  
13 policies and practices of requiring Plaintiff and other class members to work  
14 through their meal and rest periods without paying them proper compensation  
15 violate California Labor Code sections 226.7 and 512(a). Defendant's policies and  
16 practices of failing to pay minimum wages violate California Labor Code sections  
17 1194, 1197, and 1197.1. Moreover, Defendant's policies and practices of failing to  
18 timely pay wages to Plaintiff and other class members violate California Labor  
19 Code sections 201, 202, and 204. Defendants also violated California Labor Code  
20 sections 226(a) and 1174(d) by failing to accurately record the accurate total  
21 number of hours worked by Plaintiff and the other putative class members.

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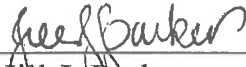
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1 Discovery and investigation are continuing. Plaintiff expressly reserves the  
2 right to rely upon any information and witnesses of which/whom he may become  
3 aware and to utilize it/them at trial, even if not previously identified or produced in  
4 this or any of the above or subsequent discovery responses.

5 Dated: August 3, 2015

**LAWYERS for JUSTICE, PC**

6  
7 By:   
8 Jill J. Parker  
Attorneys for Plaintiff  
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LAWYERS for JUSTICE, PC  
410 West Arden Avenue, Suite 203  
Glendale, California 91203



VERIFICATION

I, Daniel Silva, declare as follows:

I am a plaintiff in this action, and I make this verification on my behalf. I have  
read the foregoing: Plaintiff Daniel Silva's Responses to Defendant Avalon Bay  
Communities, Inc's First Set of Interrogatories  
and know the contents thereof. I certify that the same is true of my own knowledge,  
except as to the matters which are therein stated upon my information or belief, and as to  
those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States that the  
foregoing is true and correct.

Executed on July 30 20 15 at San Diego, California.

Daniel Silva

Name

  
Signature